

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

The Court, after careful consideration of the plaintiff's complaint, the parties' briefs, the Report and Recommendation (Dkt. # 15) of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, and noting that no party objected to the Report and Recommendation, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The Commissioner's decision is **REVERSED** and the case is **REMANDED** to the Social Security Administration for further proceedings consistent with the Report and Recommendation.
- (3) The cover letter accompanying the Report and Recommendation stated that “[f]ailure to file objections within the specified time waives the right to appeal any order by the District Court adopting this report and recommendation.” Although a failure to file objections may mean that an appellate court will not review certain issues, it is not a waiver of the right to appeal. *See, e.g., Robbins v. Carey*, 481

1 F.3d 1143, 1146-47 (9th Cir. 2007). A party wishing to appeal the court's
2 judgment despite not objecting to the R&R may disregard the quoted sentence in
3 the cover letter.

4 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
5 Tsuchida.

6 DATED this 16th day of April, 2010.

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9 The Honorable Richard A. Jones
10 United States District Judge
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